

REMARKS

This Response is submitted in reply to the Office Action dated August 23, 2010. Claims 8-14 are pending in this Application. In this Response, Claims 8 and 10 are amended and Claim 9 is canceled without prejudice or disclaimer. The amendment does not add new matter. Favorable reconsideration is respectfully requested.

Double Patenting Rejection

The Patent Office rejected Claims 8-10 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-3 of U.S. Patent 7,518,783. Applicants submit this rejection is rendered moot by the Terminal Disclaimer filed concurrently with this Response. Accordingly, Applicants respectfully request the double patenting rejection be reconsidered and withdrawn.

Allowable Subject Matter and Rejection under 35 U.S.C. 102

The Patent Office rejected Claim 8 under 35 U.S.C. 102(b) as being anticipated by each of JP02004221553 to Matsui et al., U.S. Publication 2003/0012484 to Zhang et al., and U.S. Patent 4,964,700 to Takabayashi. Additionally, the Patent Office stated that Claims 9-14 would be allowable if rewritten in independent form, insofar as the double patenting rejection is overcome. In view of this, limitations similar to those previously contained in allowable Claim 9 have been added to independent Claim 8, and Claim 9 has been canceled without prejudice or disclaimer. Therefore, Applicants submit that Claim 8 is patentable over the prior art of record at least because the cited prior art fails to disclose or suggest "the functional molecular element includes a complex of an organic molecule having anisotropy of dielectric constant or dipole moment and including side chains each of which structure is changed under application of electric field, and metallic ion."

Accordingly, Applicants respectfully request that the anticipation rejection with respect to Claim 8 be reconsidered and the rejection withdrawn.


Conclusion

An earnest endeavor has been made to place this application in condition for formal allowance, and allowance is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request the Examiner contact the undersigned.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

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Dated: November 11, 2010